

*REMARKS/ARGUMENTS**Present Invention and Pending Claims*

The present invention relates to a fused ring compound, compositions thereof, and methods of use thereof. Claims 111-134 are pending. Specifically, claims 111-113 are being examined, and claims 114-134 are withdrawn.

Requested Publications

According to the Office Action, the copies of certain publications previously submitted by Applicants were not available for review in the Office's file. In order to complete the file, the Examiner has requested courtesy copies of references AM, BG, BH, BI, BJ, BK, BL, BM, and BN from the PTO-1449 form submitted with the Information Disclosure Statement dated July 8, 2003. Applicants submit herewith courtesy copies of the requested references along with a clean copy of the originally filed PTO-1449 form reciting references AM, BG, BH, BI, BJ, BK, BL, BM, and BN. Applicants request that the Examiner acknowledge consideration of these references by returning to Applicants an Examiner-initialed copy of the PTO-1449 form.

Summary of the Claim Amendments

Claims 1-110 have been canceled. New claims 111-113 have been added and are supported by the specification and originally filed claim 42. Claims 111-113 recite the same core chemical structure as one another and as original claim 42. The claim scope of each of claims 111-113 is not broader than originally examined claim 42, and, thus, no new search is required by the Examiner. New claims 114-116 have been added and are supported by the specification and originally filed claim 94. New claims 117-134 have been added and are supported by the specification and originally filed claims 105-110. In accordance with the election in response to the restriction requirement, claims 114-134 have been labeled as withdrawn. No new matter has been added by way of these amendments.

Summary of the Office Action

The Examiner has maintained the Restriction Requirement between the claims of Groups I-III. Claims 42, 44, 47-51, 53, 54, 56-58, 60, 61, 64, 68-74, 76, 79-88, and 90 are

rejected for obviousness-type double patenting over claim 1 of U.S. Patent 7,112,600. Claims 42-93 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Claim 59 is objected to for containing a typographical error. Reconsideration of the pending claims is hereby requested.

Discussion of the Restriction Requirement

The Restriction Requirement has been maintained. As a result, claims 1-41 and 94-110 have been withdrawn from consideration. However, according to the Office Action, upon allowance of the subject matter of elected Group I (i.e., now claims 111-113), the withdrawn claims will be eligible for rejoinder, and the Restriction Requirement between Groups I, II, and III will be withdrawn (Office Action, page 4). Insomuch as claims 1-41 and 94-110 have been canceled, Applicants request rejoinder of withdrawn claims 114-134 upon an indication of the allowability of a claim directed to the elected subject matter.

Discussion of the Obviousness-type Double Patenting Rejection

To advance prosecution of the instant application, Applicants submit herewith a terminal disclaimer in view of U.S. Patent 7,112,600. Accordingly, the obviousness-type double patenting rejection over U.S. Patent 7,112,600 should be withdrawn.

Discussion of the Indefiniteness Rejection

Claims 42-93 allegedly are indefinite. Specifically, the Examiner contends that the definition of n', ring B', Z' and w' in item (6') of the definition of R^{a15} and R^{a16} in the definition of Y of claims 42 and 74 is unclear. Claims 42-93 have been canceled.

To make the claim language more clear, new claims 111 and 112 recite “wherein n', ring B', Z' and w' are defined the same as the above-mentioned n, ring B, Z and w, respectively, and may be the same as or different from the respective counterparts” (emphasis added). It is to be understood, for example, that the overall definition of n' is the same as n, yet n' and n can be different moieties in the same molecule (e.g., n' can be 1 while n can be 2 in a single molecule). This same logic applies to the definitions of ring B', ring B, Z', Z, w', and w. These definitions and the corresponding chemical moiety are not present in claim 113.

The Examiner contends that the term "heterocyclic" is indefinite in several instances in the pending claims since the number and type of heteroatoms are not specified. New claims 111-113 recite that the heterocycle group has 1 to 4 heteroatom(s) selected from an oxygen atom, a nitrogen atom, and a sulfur atom, as suggested by the Examiner in the Office Action (page 9, first full paragraph).

For these reasons, the pending claims are clear and definite, and the indefiniteness rejection should be withdrawn.

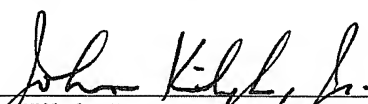
Discussion of the Claim Objection

Claim 59 is objected to for containing a typographical error with respect to the word "optionally." Claim 59 has been canceled, and, accordingly, the claim objection has been rendered moot.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,



John Kilyk, Jr., Reg. No. 30,763
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6731
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: March 30, 2007